

REMARKS

Claims 1-24 are pending in the above-referenced patent application. Claims 1-11 have been amended and claims 12-24 have been added. It is noted that these claims were not amended to overcome the rejections and objections, or in light of the cited references. Rather, the claims were amended to more clearly delineate intended subject matter. Furthermore, it is believed that these amendments do not narrow claim scope. Rather, in some cases, the claims are even broadened. Therefore, no prosecution history estoppel should result from these claim amendments. Additionally, it is respectfully submitted that adequate support may be found in the specification for new claims 12-24. For example, adequate support may be found pages 5-7 and Fig. 4A-Fig 5B.

In the Office Action, dated September 26, 2005, the Examiner objected to the drawings; rejected claims 1-2, 7, 11 under 35 U.S.C 103(a) as being anticipated by what Examiner characterizes as "Applicant's Admitted Prior Art" (hereinafter "AAPA") in view of Okino (US Patent No. 6,194,732); rejected claims 4-6 under 35 U.S.C 103(a) as being unpatentable over so-called AAPA in view of Hltoshi (Japan Pub No. JP 10-197969A); and rejected claim 8 under 35 U.S.C 103(a) as being unpatentable over so-called AAPA in view of Kito et al. (US Patent No. 6,864,998). These rejections are respectfully traversed.

Assignee has provided replacement sheets for Figures 1A, 1B, 2A and 2B to address the objections of the Examiner. Additionally, Assignee has provided a new Figure 7 to address the objection of the Examiner under 37 CFR 1.83(a). It is respectfully submitted that new Figure 7 does not introduce any new matter. Additionally, it is respectfully submitted that the foregoing amendments obviate the objections to the Figures, and, therefore, it is respectfully requested that the Examiner withdraw the objections to the Figures.

Assignee respectfully submits that claims 1-2, 7 and 11, as amended, are not rendered obvious by so-called AAPA in view of Okino. It is respectfully submitted that so-called AAPA, whether viewed alone or in combination with Okino, still does not show or describe at least "a reflective plate disposed between said scanner upper shell and said light-emitting element, said reflective plate being adapted to reflect light emitted from said light-emitting element onto a surface; and an aperture formed on a first

predetermined position of said reflective plate to decrease said reflected light on a portion of said surface." As recited in claim 1, as amended.

The Examiner concedes that so-called AAPA is lacking at least one element of claim 1. As stated in the Office Action, page 4, "Applicant's admitted prior art does not disclose expressly an aperture on a first predetermined position of said reflective plate to decrease the illumination of said first predetermined position". Additionally, Okino fails to cure this deficiency noted by the Examiner. In the cited portions of Okino, the aperture shown and described is formed as part of a mask, and is formed on one or more square metallic plates. For example, as stated in col 8 line 30 to col 8 line 33, "The marks 53,55 are preferably made from respective square metallic plates that extend within a respective x-y plane orthogonal to the optical axis (FIG. 1(C)). At the center of each mark 53,55 is a respective aperture". The reflective plate shown and described in Okino is an entirely different component than the "marks", and does not have an aperture formed thereon. The reflective plate of Okino is shown as receiving an illumination beam that has passed through the aperture formed on the marks. As stated in col 8 line 65 to col 9 line 3, "A reflective plate 61, made of 'heavy' metal such as Tantalum (Ta) or the like, is situated on the substrate stage 15. A portion 60 of the illumination beam 51 that has struck the positioned mark 53,55 and that has passed through the respective aperture 59 is directed to the reflective plate 61 by the first projection lens 12."

Assignee respectfully submits that, for at least the reasons presented above, a prima facie case of obviousness has not been established, and, therefore, claim 1, as amended, is in a condition for allowance. It is noted that many other bases for traversing the rejection could be provided, but Assignee believes that this ground is sufficient. Additionally, claims 2-7 and 11 are in a condition for allowance for the same and/or similar reasons as presented with reference to claim 1, as amended. It is respectfully requested that the Examiner withdraw his rejections of these claims.

Assignee respectfully submits that claims 4-6, as amended, are not rendered obvious by so-called AAPA in view of Hitoshi. It is respectfully submitted that so-called AAPA, whether viewed alone or in combination with Hitoshi, still does not show or describe at least "a reflective plate disposed between said scanner upper shell and said light-emitting element, said reflective plate being adapted to reflect light emitted from said light-emitting element onto a surface; and an aperture formed on a first

predetermined position of said reflective plate to decrease said reflected light on a portion of said surface." As recited in claim 1, as amended. Hitoshi is directed to a reflecting plate having cooling fins, and does not show or describe at least one element of claims 4-6. It is, therefore, respectfully requested that the Examiner withdraw the rejections of these claims.

Assignee respectfully submits that claim 8, as amended, are not rendered obvious by so-called AAPA in view of Kito. It is respectfully submitted that so-called AAPA, whether viewed alone or in combination with Kito, still does not show or describe at least "a reflective plate disposed between said scanner upper shell and said light-emitting element, said reflective plate being adapted to reflect light emitted from said light-emitting element onto a surface; and an aperture formed on a first predetermined position of said reflective plate to decrease said reflected light on a portion of said surface." As recited in claim 1, as amended. Kito is directed to reading photographic images, and does not show or describe at least one element of claim 8. It is, therefore, respectfully requested that the Examiner withdraw the rejections of these claims.

Assignee respectfully submits that, for at least the reasons presented above, a prima facie case of obviousness has not been established, and all pending claims are in a condition for allowance. It is noted that many other bases for traversing the rejection could be provided, but Assignee believes that this ground is sufficient. Additionally, new claims 12-24 are in a condition for allowance for the same and/or similar reasons as presented above.

CONCLUSION


In view of the foregoing, it is respectfully submitted that all of the claims pending in this patent application, as amended, are in condition for allowance. If the Examiner has any questions, she is invited to contact the undersigned at (503) 439-6500. Reconsideration of this patent application and early allowance of all the claims is respectfully requested.

Please charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account number 50-3703.

Dated: _____

12/27/05

Respectfully submitted,



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AMENDMENT

IN THE DRAWINGS

Please enter replacement sheets for Figures 1A, 1B, 2A and 2B, and new Figure 7, attached hereto.